



Connecticut Coalition for Justice in Education Funding

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Plaintiffs Stunned by State's Legal Position

Quotes from Today's Oral Arguments in CCJEF v. Rell

Hartford, CT — Two law students from the Yale Law School Education Adequacy Clinic argued today before the Connecticut Supreme Court in one of the most important, far-reaching education cases in this state in thirty years. The Attorney General's office argued on behalf of the Governor, State Board of Education, and other Defendants.

As the argument progressed, the Plaintiffs were stunned by the legal position that the State took. Below are some excerpts that from the CT-N broadcast of those proceedings, illustrating how the State argued.

EXAMPLE 1:

Justice Schaller, to the State: "Without an implied qualitative factor, everybody is entitled to an equally inadequate education....would be the way you interpret the constitution?"

State's response to Justice Schaller: "Your Honor, in the worst of all worlds, that could be the situation. All children were doomed to an equally inadequate education."

EXAMPLE 2:

Justice Katz, to the State: "Your point essentially is that as long as it's equal, it does not matter how bad it is or how horrendous, because there is no qualitative component."

EXAMPLE 3:

Justice Katz, to the State: "I am just troubled by the whole notion of...I understand that qualitative suggests some high side and reasonableness on the low side. And I am hearing you say it's just not a factor."

State's response to Justice Katz: "It's not a factor for this Court."

EXAMPLE 4:

Justice Katz, to the State: "So as long as it's equally bad, it's ok?"

EXAMPLE 5:

Justice Norcott, to the State: “If it’s equally bad, there is not much to the fundamental right [to education]. The equally bad should be subject to review.”

EXAMPLE 6:

Justice Schaller, to the State: “You probably agree with me that it’s [schools are] not just bricks and mortar, so to speak, and books...that there are intangible qualities to a school.”

State’s response to Justice Schaller: “It [the fundamental right] does not go very far. I don’t think we can put a finger on it.”

EXAMPLE 7:

Justice Norcott, to the State: “We have been fleshing it [the right to education] out since *Brown*.”

State’s response to Justice Norcott: “Educational opportunity is different than *Brown*.”

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Legal documents and related background information are available at www.ccjef.org.